



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Koger Properties Inc.--Request for Reconsideration

File: B-230090.2

Date: February 12, 1988

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### DIGEST

A protest is filed for purposes of General Accounting Office (GAO) timeliness rules when it is received in GAO. The GAO time/date stamp establishes the time of receipt absent other evidence to show actual earlier receipt.

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### DECISION

Koger Properties Inc. requests that we reconsider our January 26, 1988, dismissal as untimely of the firm's protest concerning the rejection of its bid under solicitation for offers No. R7-01-87, issued by the General Services Administration. We dismissed Koger's protest because it was filed in our Office more than 10 working days after the basis for the protest was first known.

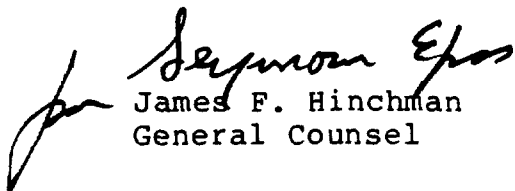
Koger requests that we reconsider our dismissal on the ground that it mailed its protest within the 10-day time limit. Specifically, Koger argues that it received notice that it was an unsuccessful bidder on January 7, 1988, and it mailed a protest letter to the General Accounting Office (GAO) 8 working days later on January 20, 1988. We deny the request for reconsideration.

The term "filed" as defined in our Bid Protest Regulations means receipt of the protest and other submissions in GAO. 4 C.F.R. § 21.0(g) (1987). Thus, the fact that Koger may have mailed its protest letter within the 10-day period is not relevant to the timeliness of the filing.

Moreover, the GAO time/date stamp establishes the time we receive protest materials absent other evidence to show actual earlier receipt. Ogden Allied Services Corp.--Reconsideration, B-224692.2, Oct. 20, 1986, 86-2 CPD ¶ 471. Our time/date stamp shows receipt of Koger's protest letter, dated January 20, 1988, on January 26, 1988, which is more than 10 working days after January 7, 1988, the date Koger received the information on which it based the protest. Since there is no evidence that we received the letter

before the 10-day period expired, the protest was properly dismissed as untimely.

The request for reconsideration is denied.

James F. Hinchman  
General Counsel